

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID R. CHAMBERLIN,

Plaintiff,

v.

CIV 02-603 MV/DJS-ACE

**THE CITY OF ALBUQUERQUE, and
OFFICER ANDREW LEHOCKY,
individually and in his official capacity
as police officer,**

Defendants.

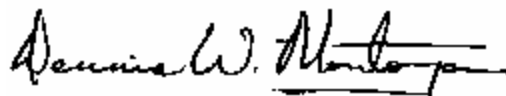
NOTICE OF NONAPPEARANCE

Plaintiff David Chamberlin, by and through his attorney, Dennis W. Montoya, Montoya Law, Inc., hereby gives notice that he will not appear at his upcoming deposition.

1. Plaintiff will not attend his deposition because, although his pending criminal charges were scheduled to have been resolved already, the Plaintiff's criminal trial has been delayed.
2. As a result, Plaintiff cannot answer questions regarding the incident until after those pending criminal charges have been resolved.
3. If forced to testify, Plaintiff would have no alternative but to invoke his Fifth Amendment Rights.
4. If given a reasonable amount of time to resolve the pending criminal charges, Plaintiff will be able to submit to deposition.
5. Plaintiff intends to file a Motion to Stay the instant litigation to allow the resolution of the aforementioned criminal charges.

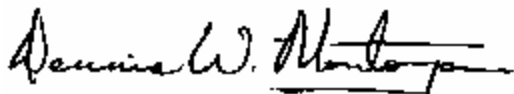
Respectfully submitted,

MONTOYA LAW, INC.

A handwritten signature in black ink, reading "Dennis W. Montoya". The signature is written in a cursive style with a horizontal line underneath the name.

Dennis W. Montoya
Attorney for Plaintiff
1905 Lomas Blvd. NW
Albuquerque, NM 87104
(505) 246-8499
(505) 246-8599 (facsimile)

I hereby certify that a true and correct copy
of the foregoing was mailed to all parties of
record this 25th day of August, 2003.

A handwritten signature in black ink, reading "Dennis W. Montoya". The signature is written in a cursive style with a horizontal line underneath the name.

Dennis W. Montoya